

ENERGY RESERVES GROUP, INC.

IBLA 78-336

Decided June 30, 1978

Appeal from a decision of the Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease offer W 62741.

Affirmed.

1. Oil and Gas Leases: Applications: Attorneys-in-Fact or Agents -- Oil and Gas Leases: Applications: Drawings

Where a drawing entry card is signed by an attorney-in-fact or agent on behalf of the applicant, the offer cannot be considered to have been submitted by a qualified applicant unless accompanied by a statement evidencing that the attorney-in-fact's authority is still in effect, as required by 43 CFR 3102.6-1.

APPEARANCES: M. A. Church, attorney-in-fact, for appellant.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Energy Reserves Group, Inc., has appealed from the February 21, 1978, decision by the Wyoming State Office, Bureau of Land Management (BLM), rejecting its simultaneous oil and gas lease offer W 62741 for failure to comply with 43 CFR 3102.6-1 because no statement by appellant's attorney-in-fact that his authority was still in effect accompanied the drawing entry card. Subpart (a)(1) of the above regulation provides:

(a) Evidence required. (1) Except in the case where a member or a partner signs an offer on behalf of an association (as to which, see § 3102.3-1), or where an officer of a corporation signs an offer on behalf of the corporation (as to which, see § 3102.4-1) evidence of the authority of the attorney-in-fact or agent to sign the offer and lease, if the offer is signed by such attorney or agent on behalf of the offeror. Where such evidence has previously been filed in the same proper office where the

offer is filed, a reference to the serial number of the record in which it has been filed, together with a statement by the attorney-in-fact or agent that such authority is still in effect will be accepted.

Appellant's drawing entry card was signed by its attorney-in-fact and referred to W-56943 as the serial record where its corporate qualifications are on file. The signature was illegible and was not accompanied by any other identification of the signer.

In its statement of reasons, appellant concedes that no statement by the attorney-in-fact that his authority was still in effect was filed with the drawing card. Appellant states that on other occasions it filed offers without such statements and was never advised that its filing practice was unacceptable.

[1] The Board has often held that if a drawing entry card is signed by an agent or attorney-in-fact in behalf of the applicant the offer must be accompanied by the statements required by 43 CFR 3102.6-1. Mitchell Energy Corporation, 32 IBLA 244 (1977); William J. Sparks, 27 IBLA 330 (1976). In this instance the offer was signed by M. A. Church, attorney-in-fact for Energy Reserves Group, Inc. In this event the above regulation clearly requires two items: a reference to the serial number of the record in which the authority of the attorney-in-fact is on file and a statement by the attorney-in-fact that his authority is still in effect. These guidelines are mandatory and where they are not followed an offer must be rejected, regardless of any contrary action alleged to have occurred on previous occasions.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Frederick Fishman
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Joseph W. Goss
Administrative Judge

